

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Mary White, Jr.

COMPLAINT

CV 05 2063

NAME OF PLAINTIFF(S)

United Federation of Teachers - Ms. Randi Weingarten

52 Broadway

New York, NY 10004

NAME OF DEFENDANT(S)

KORMAN, CH. J.

APR 1 9 2005

BLOOM, M.J.

PRO SE OFFICE

This action is brought for discrimination in employment pursuant to (check only those that apply):

1

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Jurisdiction is specifically conferred upon this United States District Court by the
aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate
under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991,
Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

623 Beach 68rd Street
Street Address
Kings NY 11692 718-945-4028
County State Zip Code Telephone Number

2. Defendant(s) resides at, or its business is located at: Barbara Code

189-98 Ridgedale Street (IS-590)
Street Address
Kings Springfield Gardens NY 1143
County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

189-98 Ridgedale Street (IS-590)
Street Address
Kings Springfield Gardens NY 1143
County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes (check only those that apply).

- ☐ Failure to hire.
- ☐ Termination of my employment.
- ☐ Failure to promote.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation
- ☒ Other acts (specify): Verbal abuse, harassment

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:

April, 2004
Date(s)

6. I believe that the defendant(s) (check one)

☐ is still committing these acts against me.

☒ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:

(check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged)

☐ race ☐ color

☐ gender/sex ☐ religion

☐ national origin

☐ age My date of birth is: _____
Date

☐ disability

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows:

(See attached)

(Attach additional sheets as necessary)

Note: As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: _____
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 04/14/05
Date

I have worked with Ms. Barbara Code for three years. Ms. Code was the Union Representative at I. S. 59Q. In April 2004, I had told Ms. Code that I was having difficulty obtaining a key from the custodians to my room. However, Ms. Code refused to listen to me. I decided to call the Union Representative Office located in Queens. The next day, I went upstairs to the teacher's lounge to make coffee for the teacher. I heard someone knocking on the door. Therefore, I opened the door. Ms. Code, Ms. Nater and Ms. Vera Williams were standing there. Ms. Code had her hands up in a threatening manner and she called me "A SICK MINDED WOMAN". I backed up because she kept coming towards me and I felt threatened. Ms. Nater grabbed me and held me. Ms. Code kept verbally harassing me, throwing her hands up in my face, cursing and yelling at the top of her voice.

Finally, I looked at Ms. Code and I said to her, "You are not supposed to be on the second floor because you stated that you could not climb the stairs because of your illness. However, you are upstairs cursing, threatening and harassing me for no reason." I told Ms. Code her that all I asking her for was some help in getting a key to my classroom, but to no avail, she kept on yelling and cursing. I informed her that I was going to tell Ms. Weingarten, President of the United Federal of Teachers about the incident, which I did. Ms. Code stated, "That's the problem with you; you're always going outside the school and telling what is happening." I told Ms. Code again that I was going to call. Ms. Code told me to kiss her ass and she left.

I told Ms. Nater and Ms. Williams that I did not like the idea of them setting me up. Several teachers have entered the teacher's lounge for coffee and breakfast. Mr. Smith, Assistant Principal was called to the teacher's lounge and he asked me to go downstairs with him. I told him no, but everyday I purchased and made breakfast for the teachers and I was not bothering anyone. I continued to make the teacher's their breakfast.

Since this incident, Ms. Code failed to represent me as the Union Representative. I believe that this is because of the incident that I filed against Dr. Stapleton and retaliation against me for reporting her to Ms. Weingarten' Office.

Only litigants alleging age discrimination must answer Question #11.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one),

☒ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Right to Sue letter.
☒ has issued a Right to Sue letter, which I
received on January 27, 2005
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs, and attorney's fees.

May White
PLAINTIFF'S SIGNATURE

Dated: 4/18/05

623 Beach Blvd Street
Address
Brueve, NY 11692
718-945-4028
Phone Number



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

William Lai
Supervisory Investigator
Phone (212) 336-3676
Fax (212) 336-3621

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
Phone: (212) 336-3620
General Fax: (212) 336-3625
TTY: (212) 336-3622

January 27, 2005

Ms. Mary White
623 Beach 63rd Street
Arverne, NY 11692

Re: Charge No. 160-2005-00739, NYC Department of Education ✓
160-2005-00740, United Federation of Teachers

Dear Ms. White:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), implemented charge prioritization procedures. The procedures, which are based on allocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In accordance with these procedures, we have evaluated your charges against your employer and your union based upon information and evidence you submitted. There is insufficient information to establish that violations of the laws enforced by the EEOC have occurred because of your race and/or retaliation. It is not likely that further investigation will result in a violation finding. The Commission has decided not to pursue further with your charges.

This determination is final. Attached are copies of your Dismissal and Notice of Rights. If you want to pursue this matter further in federal court, your lawsuit must be filed within 90 days of your receipt of the Notice.

Sincerely

A handwritten signature in black ink, appearing to read "William Lai", is written over a horizontal line.

William Lai
Supervisory Investigator

Attachments

DISMISSAL AND NOTICE OF RIGHTS

To: **Mary White**
623 Beach 63rd Street
Arverne, NY 11692

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

160-2005-00739

William Lai,
Supervisory Investigator

(212) 336-3676

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fall to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

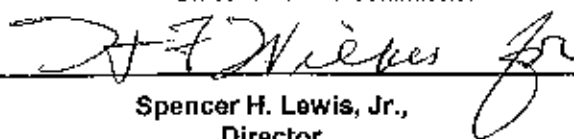
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this Notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Spencer H. Lewis, Jr.,
Director

JAN 27 2005

Enclosure(s)

(Date Mailed)

cc:

NYC DEPARTMENT OF EDUCATION
c/o Robin Greenfield, Deputy
52 Chambers Street - Room 308
New York, NY 10007